

NO. 41

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020

WEDNESDAY, APRIL 8, 2020

Wednesday, April 8, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 46:1-2

“God is our refuge and strength, always ready to help in times of trouble. So we will not fear when earthquakes come and the mountains crumble into the sea.”

Let us pray. Almighty and loving God, we remember the words of Benjamin Black Elk of the Sioux people in South Dakota who recently asked his good friend Wendell, “How often do you pray?” Wendell replied, “two to three times a day.” “That’s not enough,” Benjamin said, “You should be in constant prayer all day with God.”

Lord, in these difficult days of the Covid 19 pandemic, we pray that we will open our hearts to constant conversational prayer with You for all Your people. In this way we will draw closer to You Lord and discover what Benjamin’s father Missionary Nicholas Black Elk meant when he said, “The seeing is sacred through the eye of the heart.”

In the weeks ahead, may we see through “the eye of the heart” as we constantly pray for all Your children both here and beyond our borders. We offer this prayer through You O Lord, our refuge and our strength, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

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Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jean K.. McCormick, 7 Sunset Bluff, Beaufort, SC 29907-1453 *VICE*
Mark Francis Fitzgibbons

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Dukes Beck, 1562 Inverness Dr., Charleston, SC 29412-2617
VICE Priscilla B. Baldwin

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

John S. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528 *VICE*
Rob Chumley

COMMUNICATION FROM THE CLERK

Due to the COVID-19 pandemic, the PRESIDENT invoked the authority of Rule 1C to adjourn the sessions on March 24, 25, 26, and 31, as well as April 1, 2, and 7. Rule 1C reads, "The President, when, in his opinion, it is impractical or dangerous to hold a regularly scheduled session(s) of the Senate, may declare the body adjourned to some other time. Such actions are to be taken only in times of great emergency including, but not limited to, natural disasters, severe weather, and acts of God."

Leave of Absence

On motion of Senator ALEXANDER, at 1:14 P.M., Senator LEATHERMAN was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 1:14 P.M., Senator McLEOD was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 2:02 P.M., Senator KIMPSON was granted a leave of absence for the day.

Leave of Absence

On motion of Senator FANNING, at 2:02 P.M., Senator M.B. MATTHEWS was granted a leave of absence for the day.

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Leave of Absence

On motion of Senator SHEHEEN, at 2:02 P.M., Senators J. MATTHEWS, HARPOOTLIAN, JACKSON and NICHOLSON were granted a leave of absence for the day.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1185 -- Senator Young: A SENATE RESOLUTION TO CONGRATULATE DR. JUDY BECK UPON HER INAUGURATION AS PRESIDENT OF THE ASSOCIATION OF TEACHER EDUCATORS AND TO COMMEND HER FOR HER DEDICATED SERVICE IN THE FIELD OF EDUCATION.

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The Senate Resolution was adopted.

S. 1186 -- Senator Gambrell: A SENATE RESOLUTION TO HONOR LEONARD CAMPBELL OF ANDERSON COUNTY ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM A VERY HAPPY BIRTHDAY.

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The Senate Resolution was adopted.

S. 1187 -- Senator Bennett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RANDY L. POTTS, CHIEF INFORMATION SECURITY OFFICER FOR A MULTINATIONAL ORGANIZATION, FOR HIS OUTSTANDING AND EXTENSIVE CONTRIBUTIONS TO THE BOY SCOUTS OF AMERICA AND TO CONGRATULATE HIM UPON RECEIVING THE PRESTIGIOUS 2020 SOUTHERN REGION BOY SCOUTS OF AMERICA ALUMNUS OF THE YEAR AWARD.

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The Senate Resolution was adopted.

S. 1188 -- Senators Kimpson, Senn and Hutto: A BILL TO AMEND ARTICLE 1, CHAPTER 75, TITLE 38 OF THE 1976 CODE, RELATING TO PROPERTY INSURANCE GENERALLY, BY ADDING SECTION 38-75-70, TO PROVIDE THAT EVERY POLICY OF INSURANCE IN FORCE IN THIS STATE INSURING AGAINST LOSS OR DAMAGE TO PROPERTY, NOTWITHSTANDING THE TERMS OF THE POLICY AND INCLUDING ANY

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ENDORSEMENT THERETO OR EXCLUSIONS TO COVERAGE INCLUDED THEREWITH, THAT INCLUDES A LOSS OF USE AND OCCUPANCY, OR BUSINESS INTERRUPTION, SHALL BE CONSTRUED TO INCLUDE, AMONG THE COVERED PERILS UNDER THE POLICY, COVERAGE FOR BUSINESS INTERRUPTION DIRECTLY OR INDIRECTLY RESULTING FROM THE GLOBAL PANDEMIC KNOWN AS COVID-19, INCLUDING ALL MUTATED FORMS OF THE COVID-19 VIRUS.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1189 -- Senators Senn and Allen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE OAK ISLAND BRIDGE LOCATED ON FOLLY ROAD (SOUTH CAROLINA HIGHWAY 171) IN CHARLESTON COUNTY THE "FRANCIS EDWARD 'BUTCH' CLARK MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 1190 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

S. 1191 -- Senator M. B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN A SIGNED PETITION.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1192 -- Senators Sheheen, Alexander, Allen, Bennett, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Loftis, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Talley, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JOHN C. "JACK" WEST, JR., CAMDEN ATTORNEY AND GOVERNMENTAL AFFAIRS SPECIALIST, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1193 -- Senators M. B. Matthews, Kimpson and Senn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME SPRING STREET IN CHARLESTON "JUDGE RICHARD E. FIELDS STREET" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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The Concurrent Resolution was introduced and referred to the Committee on Transportation.

ADOPTED

S. 1194 -- Senators Peeler and Malloy: A CONCURRENT RESOLUTION TO PROVIDE THAT, PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET

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PRIOR TO MAY 14, 2020, OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), AND WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 14, 2020, NOT LATER THAN 5:00 P.M., OR AT A LATER DATE IF THE REGULAR ANNUAL SESSION IS EXTENDED PURSUANT TO THE PROVISIONS OF SECTION 2-1-180(b), EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO FURTHER PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY RECEDE AGAIN EACH HOUSE SHALL STAND IN RECESS TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, SEPTEMBER 15, 2020, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, SEPTEMBER 24, 2020, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; TO ADDITIONALLY PROVIDE THAT BETWEEN 5:01 P.M. ON THURSDAY, SEPTEMBER 24, 2020, AND 11:59 P.M. ON SUNDAY, NOVEMBER 8, 2020, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT THE CALL OF THE PRESIDENT OF THE SENATE FOR THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE HOUSE OF REPRESENTATIVES AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET IN STATEWIDE SESSION FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS; AND FINALLY TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN SUNDAY, NOVEMBER 8, 2020, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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On motion of Senator MASSEY, with unanimous consent, the Resolution was taken up for immediate consideration.

Senator MASSEY spoke on the Resolution.

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The Concurrent Resolution was adopted, ordered sent to the House.

H. 5412 -- Reps. Allison, Alexander, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE THE THIRTY-SIX SOUTH CAROLINA TECHNICAL COLLEGE STUDENTS NAMED TO SOUTH CAROLINA'S 2020 ACADEMIC ALL-STATE TEAM BY PHI THETA KAPPA HONOR SOCIETY IN RECOGNITION OF THEIR SCHOLARLY ACCOMPLISHMENTS AND SERVICE TO THEIR COMMUNITIES.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5413 -- Reps. Allison, Alexander, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway,

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Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: TO DESIGNATE OCTOBER 7, 2020, AS THE ONE HUNDREDTH ANNIVERSARY OF THE AAA SCHOOL SAFETY PATROL PROGRAM IN THE STATE OF SOUTH CAROLINA, AND TO RECOGNIZE THE ANNIVERSARY IN CONJUNCTION WITH THE ANNUAL "WALK OR BICYCLE WITH YOUR CHILD TO SCHOOL DAY".

The Concurrent Resolution was introduced and referred to the Committee on Education.

H. 5414 -- Reps. Thayer, Anderson, Allison, Burns, Bales, McCravy, Jefferson, Clyburn, Hewitt, Bailey, Chumley, Gilliard, Haddon, Elliott, B. Cox, Trantham, G. R. Smith, Robinson, Hardee, Bennett, Bryant, Calhoon, Caskey, W. Cox, Crawford, Daning, Dillard, Erickson, Forrest, Gagnon, Gilliam, Hill, Hiott, Hixon, Hosey, Huggins, Morgan, W. Newton, Norrell, Parks, Pope, Ridgeway, Rivers, Sandifer, Spires, Stringer, Taylor, Toole, West, Wheeler, White, Whitmire, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE NEED OF THE STATE OF SOUTH CAROLINA TO ADDRESS AND TAKE STEPS TO PROTECT ITS CHILDREN FROM THE PUBLIC HEALTH HAZARD OF INTERNET PORNOGRAPHY.

The Concurrent Resolution was introduced and referred to the Committee on Family and Veterans' Services.

H. 5430 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 601 TO THE POINT WHERE IT CROSSES THE WATEREE RIVER "LIEUTENANT ULYSSES FLEMMING MEMORIAL HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5431 -- Rep. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME

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THE BRIDGE THAT CROSSES THE EDISTO RIVER ALONG UNITED STATES HIGHWAY 17 IN COLLETON COUNTY "SENATOR PEDEN MCLEOD BRIDGE" AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS BRIDGE CONTAINING THESE WORDS.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

HOUSE CONCURRENCE

S. 1182 -- Senator Cromer: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA STATE GUARD UPON THE OCCASION OF ITS THREE HUNDRED FIFTIETH ANNIVERSARY AND TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS OF THE STATE GUARD TO PROTECTING THE FREEDOM, DEMOCRACY, AND SECURITY OF THIS GREAT STATE.

Returned with concurrence.

Received as information.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 8, 2020, at 2:20 P.M. and the following Acts were ratified:

(R136, H. 4439) -- Reps. Clemmons, Bryant, Hosey, R. Williams, Blackwell, Clary and Rivers: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE SIXTEENTH DAY OF JULY OF EACH YEAR AS "ATOMIC VETERANS DAY" IN SOUTH CAROLINA.

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(R137, H. 4743) -- Reps. Fry and Hewitt: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-312 SO AS TO ALTER THE COUNTY LINES OF HORRY AND GEORGETOWN COUNTIES BY ANNEXING A CERTAIN PORTION OF GEORGETOWN TO HORRY COUNTY AND TO MAKE PROVISIONS FOR LEGAL RECORDS.

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AMENDED, READ THE THIRD TIME

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RETURNED TO HOUSE

H. 3411 -- Reps. G.R. Smith, W. Newton, Funderburk, Willis, Anderson, Weeks, Erickson, Elliott, R. Williams, Wheeler, Young and Clemmons: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, IN THE EVENT THAT THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2020-2021 HAS NOT BEEN ENACTED BY THAT DATE, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT.

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, H. 3411 was taken up for immediate consideration.

The Senate proceeded to a consideration of the Bill.

Amendment No. 1

Senator LEATHERMAN proposed the following amendment (3411R002.SP.HKL):

Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, the most solemn duty of each member of the General Assembly is to exercise his or her constitutional duty to annually provide for the recurring expenses of our State's government;

Whereas, the public health emergency associated with the 2019 Novel Coronavirus ("COVID-19") has made satisfying that duty more difficult this year, nevertheless, the General Assembly will not fail in its duty to the residents of South Carolina;

Whereas, given the extraordinary challenges facing our state, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus;

Whereas, by enacting this legislation the General Assembly is ensuring that the functions of our State government will continue unabated during this challenging time so that we as a State can combat the spread and address the impact of COVID-19; and

Whereas, it is the intent of the General Assembly that the provisions of this act are temporary and that this act shall be replaced with a comprehensive general appropriations act when we reconvene. Now, therefore:

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Be it enacted by the General Assembly of the State of South Carolina:

PART I

Continuing to Fund the Ordinary Expenses of State Government

SECTION 1. (A)(1) If the 2020-2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020-2021 except as provided in subsection (A)(2).

(2) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2020-2021, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2020-2021.

(B) Notwithstanding debt service appropriations in Act 91 of 2019 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020-2021, there is appropriated whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the General Reserve Fund, the Capital Reserve Fund, and to conduct the 2020 primary, runoff, and general elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of a county election commission. The General Reserve Fund is established in the amount required by law. The Executive Budget Office shall, in conjunction with the Comptroller General and the State Treasurer, implement the necessary and appropriate accounting transactions to implement the provisions in this paragraph.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 2. (A) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus ("COVID-19"). Funds so received shall be expended for COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(B) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

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(C)(1) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant to subsection (B), shall be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account. Funds in the account may be expended only in response to the evolving public health emergency caused by COVID-19.

(2) Prior to the General Assembly reconvening pursuant to a Sine Die resolution, the Governor may direct the expenditure of funds from the account if the expenditure of those funds is (1) necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic and (2) in accordance with federal law. Prior to directing the expenditure of funds, the Governor must submit a plan for the use of the funds to the Joint Bond Review Committee. After review and comment by the Joint Bond Review Committee, the Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

(3) Beginning on May 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds in the Coronavirus Relief Fund. The report shall be transmitted to the Governor and the General Assembly, and made available on the Governor's website.

(D) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

SECTION 3. (A) From the Fiscal Year 2018-2019 Contingency Reserve Fund, there is appropriated \$200,000,000 to the Office of the State Treasurer. From the funds appropriated herein, the Treasurer shall credit \$20,000,000 to the Disaster Trust Fund to be used for disaster relief assistance for a federally declared disaster or a state of emergency declared by the Governor. The Treasurer shall establish a COVID-19

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Response Reserve account which shall be separate and distinct from other accounts. From the funds appropriated herein, the Treasurer shall credit \$180,000,000 to the COVID-19 Response Reserve account.

(B)(1) The Governor may direct the expenditure of funds from the COVID-19 Response Reserve account for expenditures necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic. The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state's COVID-19 response, to include, but not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

(2) The Governor may also direct the expenditure of up to \$15,000,000 from the COVID-19 Response Reserve account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections, .

(C) The Governor must submit to the Joint Bond Review Committee, for its review and comment, a plan for the use of the funds. The Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

SECTION 4. (A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID-19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting, including, but not limited to those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59-155-160 of the South Carolina Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59-1-425; and

(3) provide maximum programmatic and financial flexibility, including, but not limited to the authority to carry forward any cash

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balances, to local school districts adjusting to operations in response to COVID-19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID-19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019-2020 level. Step increases are suspended until the annual general appropriations act for Fiscal Year 2020-2021 is enacted.

(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

SECTION 5. (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Title 8 Chapter 11, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which

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require only employee contributions, the employee remains solely responsible for making those contributions.

(C) The Division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways & Means Committee when any furloughs are implemented. This information shall also be published on the Division's website.

SECTION 6. In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

SECTION 7. The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Title 2, Chapter 65 the 'South Carolina Federal and Other Funds Oversight Act.'

SECTION 8. The Comptroller General is directed to accrue into Fiscal Year 2019-20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including but not limited to individual and corporate income tax returns and quarterly estimated declarations.

SECTION 9. The increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2020-2021, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2020-2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019-2020.

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SECTION 10. (A) The provisions of Act 95 of 2019 are extended through Fiscal Year 2020-2021. The Public Service Authority ("Santee Cooper") may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper's status.

(B) Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the Authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways & Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) implementing an enhanced hedging strategy for natural gas and coal for a duration of one year or less as contained in the reform plan presented pursuant to Act 95;

(2) taking any other action necessary to protect the Santee Cooper's customers, provided that any action taken does not bind the Authority for more than one year;

(3) closing and decommissioning the Winyah Generating Station;

(4) freeze rates as provided in the settlement of *Cook v. Santee Cooper, et. al.*; and

(5) taking other actions consistent with this section that are court ordered or required pursuant to *Cook v. Santee Cooper et al*, provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B)

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58-31-360, including the State's covenant to not alter, limit or restrict the Santee Cooper's power to fix, establish, maintain and collect rents, tolls, rates and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper's expenses, the conservation, maintenance and operation of its

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facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall section shall remain in effect through Fiscal Year 2020-2021 or until an Act of the General Assembly expressly supersedes this provision.

SECTION 11. On June 30, 2020, the following provisos contained in Act 91 of 2019, the general appropriations act for Fiscal Year 2019-2020 are deleted:

- 112.1. (DS: Excess Debt Service);
- 117.112. (GP: Employee Compensation)
- 118.16. (SR: Nonrecurring Revenue)
- 117.155. (GP: Higher Education Tuition Mitigation)

PART III

Miscellaneous Provisions

SECTION 12. Any provisions contained in Act 91 of 2019 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. The provisions in this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

Senator GROOMS spoke on the amendment.

Point of Order

Senator GROOMS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

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Senator MASSEY spoke on the Point of Order.
Senator MALLOY spoke on the Point of Order.
Senator HUTTO spoke on the Point of Order.
Senator RANKIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Appeal of the Ruling by the PRESIDENT

Senator GROOMS appealed the Ruling by the PRESIDENT.

On motion of Senator GROOMS, with unanimous consent, the appeal was withdrawn.

Motion Adopted

Senator GROOMS asked unanimous consent to proceed to Amendment No. 5.

There was no objection.

Amendment No. 5

Senator GROOMS proposed the following amendment (3411R004.SP.LKG), which was tabled:

Amend the bill, as and if amended, by striking SECTION 10 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

Senator MASSEY spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator RANKIN spoke on the amendment.

Remarks to be Printed

On motion of Senator McELVEEN, with unanimous consent, the remarks of Senator RANKIN, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator CAMPSEN spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator BENNETT spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator McELVEEN spoke on the amendment.

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The question then was the adoption of the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 23; Nays 13; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gregory	Hembree
Loftis	Malloy	Martin
Massey	Peeler	Rice
Sabb	Setzler	Shealy
Turner	Young	

Total--23

NAYS

Campsen	Gambrell	Goldfinch
Grooms	Hutto	McElveen
Rankin	Reese	Scott
Senn	Talley	Verdin
Williams		

Total--13

ABSTAIN

Sheheen

Total--1

The amendment was laid on the table.

Amendment No. 1

Senator LEATHERMAN proposed the following amendment (3411R002.SP.HKL), which was adopted:

Amend the bill, as and if amended, by striking all after the title and inserting:

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/ Whereas, the most solemn duty of each member of the General Assembly is to exercise his or her constitutional duty to annually provide for the recurring expenses of our State's government;

Whereas, the public health emergency associated with the 2019 Novel Coronavirus ("COVID-19") has made satisfying that duty more difficult this year, nevertheless, the General Assembly will not fail in its duty to the residents of South Carolina;

Whereas, given the extraordinary challenges facing our state, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus;

Whereas, by enacting this legislation the General Assembly is ensuring that the functions of our State government will continue unabated during this challenging time so that we as a State can combat the spread and address the impact of COVID-19; and

Whereas, it is the intent of the General Assembly that the provisions of this act are temporary and that this act shall be replaced with a comprehensive general appropriations act when we reconvene. Now, therefore:

Be it enacted by the General Assembly of the State of South Carolina:

PART I

Continuing to Fund the Ordinary Expenses of State Government

SECTION 1. (A)(1) If the 2020-2021 state fiscal year begins with no annual general appropriations act in effect for that year, the authority to pay the recurring expenses of state government continues at the level of amounts appropriated in Act 91 of 2019 for the recurring expenses of state government for Fiscal Year 2020-2021 except as provided in subsection (A)(2).

(2) The effective dates of Parts IA and IB of Act 91 of 2019 are extended until the effective date for appropriations made in a general appropriations act for Fiscal Year 2020-2021, after which appropriations made pursuant to this joint resolution are deemed to have been made pursuant to the general appropriations act for Fiscal Year 2020-2021.

(B) Notwithstanding debt service appropriations in Act 91 of 2019 and until the effective date of the appropriations made in a general appropriations act for Fiscal Year 2020-2021, there is appropriated whatever amount is necessary for timely debt service on state obligations and other amounts constitutionally required to be appropriated, including the General Reserve Fund, the Capital Reserve Fund, and to conduct the 2020 primary, runoff, and general elections, to include expenses to provide for protection of the health and safety of voters, poll workers, and employees of a county election commission. The General Reserve

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Fund is established in the amount required by law. The Executive Budget Office shall, in conjunction with the Comptroller General and the State Treasurer, implement the necessary and appropriate accounting transactions to implement the provisions in this paragraph.

PART II

Specific Provisions Related to the Operation of State Government

SECTION 2. (A) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus ("COVID-19"). Funds so received shall be expended for COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(B) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

(C)(1) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor pursuant to subsection (B), shall be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account. Funds in the account may be expended only in response to the evolving public health emergency caused by COVID-19.

(2) Prior to the General Assembly reconvening pursuant to a Sine Die resolution, the Governor may direct the expenditure of funds from the account if the expenditure of those funds is (1) necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic and (2) in accordance with federal law. Prior to directing the expenditure of funds, the Governor must submit a plan for the use of the funds to the Joint Bond Review Committee. After review and comment by the Joint Bond Review Committee, the Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

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(3) Beginning on May 1, 2020, and on the first day of each month thereafter, the Executive Budget Office shall provide a detailed accounting of the expenditure of all funds in the Coronavirus Relief Fund. The report shall be transmitted to the Governor and the General Assembly, and made available on the Governor's website.

(D) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including funds appropriated for the current fiscal year, that are necessary to address the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

SECTION 3. (A) From the Fiscal Year 2018-2019 Contingency Reserve Fund, there is appropriated \$200,000,000 to the Office of the State Treasurer. From the funds appropriated herein, the Treasurer shall credit \$20,000,000 to the Disaster Trust Fund to be used for disaster relief assistance for a federally declared disaster or a state of emergency declared by the Governor. The Treasurer shall establish a COVID-19 Response Reserve account which shall be separate and distinct from other accounts. From the funds appropriated herein, the Treasurer shall credit \$180,000,000 to the COVID-19 Response Reserve account.

(B)(1) The Governor may direct the expenditure of funds from the COVID-19 Response Reserve account for expenditures necessary and appropriate for the health, safety, and welfare of the public in response to the COVID-19 pandemic. The Governor may direct reimbursement to local governmental entities and hospitals for expenses related to the state's COVID-19 response, to include, but not limited to, emergency needs for hospitals to prevent closure or violation of bond covenants. Priority should be given to expenses related to the participation of first responders.

(2) The Governor may also direct the expenditure of up to \$15,000,000 from the COVID-19 Response Reserve account to underwrite the cost for protection of the health and safety of voters, poll workers, and employees of a county election commission related to conducting the 2020 primary, runoff, and general elections, .

(C) The Governor must submit to the Joint Bond Review Committee, for its review and comment, a plan for the use of the funds. The Governor may then direct the Executive Budget Office to release the funds for the purposes identified in the Governor's plan. If an exigent circumstance exists that requires the Governor to direct the expenditure of funds immediately, the Governor must notify the Joint Bond Review

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Committee of the exigencies involved and the nature and amount of the expenditure. As soon as practicable thereafter the Governor shall provide the Joint Bond Review Committee with an accounting of the expenditures made under exigent circumstances.

SECTION 4. (A) The Superintendent of Education is authorized to exercise the following emergency powers if she determines that any, or all, of them are necessary and appropriate measures in response to the COVID-19 public health emergency:

(1) waive statutory requirements concerning testing, assessments, and reporting, including, but not limited to those requirements contained in Chapter 18, Title 59; Article 3, Chapter 18, Title 59; and Section 59-155-160 of the South Carolina Code;

(2) include all days of distance learning during which instruction was provided in good faith pursuant to a school district's distance learning plan as an instructional day required to meet the one hundred eighty instructional day requirement contained in Section 59-1-425; and

(3) provide maximum programmatic and financial flexibility, including, but not limited to the authority to carry forward any cash balances, to local school districts adjusting to operations in response to COVID-19.

(B) The State Superintendent of Education is authorized to promote and encourage districts to use summer reading camps and all other available tools to ensure appropriate time is spent by students to keep them on grade level and satisfy their learning needs.

(C) The State Superintendent of Education is authorized to carry forward any cash balances maintained by the Department of Education. The superintendent is further authorized to transfer any appropriations within the department to assist local school districts adjusting operations in response to COVID-19.

(D) The state teacher minimum salary schedule will remain at the Fiscal Year 2019-2020 level. Step increases are suspended until the annual general appropriations act for Fiscal Year 2020-2021 is enacted.

(E) On or before August 1, 2020, the State Superintendent of Education shall provide a report to the Senate Finance Committee, the House of Representatives Ways and Means Committee, the Senate Education Committee, and the House of Representatives Education and Public Works Committee concerning the emergency powers exercised in subsection (A). The report shall identify the statutory requirements waived and the reason for which the waiver was granted and identify and describe any actions taken in regards to subsection (A)(3).

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SECTION 5. (A) In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, an agency or institution experiencing significant decreases in revenue sources or significant unanticipated expenditures as a result of the COVID-19 response may implement a mandatory furlough subject to the review and approval of the Department of Administration Division of State Human Resources. Approved furloughs must comply with all federal laws. Implementation of furloughs should be in a manner similar to furloughs authorized in Title 8 Chapter 11, exceptions may be approved by the Division of State Human Resources.

(B) During a furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions including, but not limited to, contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

(C) The Division shall report to the President of the Senate, Speaker of the House of Representatives, the Chairman of Senate Finance Committee, and the Chairman of House Ways & Means Committee when any furloughs are implemented. This information shall also be published on the Division's website.

SECTION 6. In order to provide maximum flexibility to a state agency or institution of higher learning during the state's COVID-19 response, agencies and institutions are authorized to spend earmarked and restricted revenue sources to maintain critical programs impacted by the state's COVID-19 response. Any spending authorization for these purposes must receive the prior approval of the Executive Budget Office and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee. The Comptroller General is authorized to implement the procedures necessary to comply with this directive. This provision is provided notwithstanding any other provision of law restricting the use of earned revenue. Appropriation transfers may exceed twenty percent of the program budget upon approval of the Executive Budget Office in consultation with the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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SECTION 7. The Executive Budget Office is authorized to approve agency requests for federal and other fund authorization adjustments. Requests will be approved and reported by the Executive Budget Office pursuant to Title 2, Chapter 65 the 'South Carolina Federal and Other Funds Oversight Act.'

SECTION 8. The Comptroller General is directed to accrue into Fiscal Year 2019-20 General Fund revenues previously due for remittance to the Department of Revenue by April fifteenth or June fifteenth but allowed to be remitted as late as July fifteenth pursuant to federal directive or the Governor's Executive Order 2020-12 including but not limited to individual and corporate income tax returns and quarterly estimated declarations.

SECTION 9. The increase in the employer contribution rate imposed by Section 9-1-1085 and Section 9-11-225 for Fiscal Year 2020-2021, respectively, are suspended. The employer contribution rate for the South Carolina Retirement Systems and the Police Officers Retirement Systems during Fiscal Year 2020-2021, expressed as a percentage of earnable compensation, shall remain at the same rate imposed for Fiscal Year 2019-2020.

SECTION 10. (A) The provisions of Act 95 of 2019 are extended through Fiscal Year 2020-2021. The Public Service Authority ("Santee Cooper") may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper's status.

(B) Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the Authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways & Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

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(1) implementing an enhanced hedging strategy for natural gas and coal for a duration of one year or less as contained in the reform plan presented pursuant to Act 95;

(2) taking any other action necessary to protect the Santee Cooper's customers, provided that any action taken does not bind the Authority for more than one year;

(3) closing and decommissioning the Winyah Generating Station;

(4) freeze rates as provided in the settlement of *Cook v. Santee Cooper, et. al.*; and

(5) taking other actions consistent with this section that are court ordered or required pursuant to *Cook v. Santee Cooper et al*, provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B)

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58-31-360, including the State's covenant to not alter, limit or restrict the Santee Cooper's power to fix, establish, maintain and collect rents, tolls, rates and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper's expenses, the conservation, maintenance and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall remain in effect through Fiscal Year 2020-2021 or until an Act of the General Assembly expressly supersedes this provision.

SECTION 11. On June 30, 2020, the following provisos contained in Act 91 of 2019, the general appropriations act for Fiscal Year 2019-2020 are deleted:

112.1. (DS: Excess Debt Service);

117.112. (GP: Employee Compensation)

118.16. (SR: Nonrecurring Revenue)

117.155. (GP: Higher Education Tuition Mitigation)

PART III

Miscellaneous Provisions

SECTION 12. Any provisions contained in Act 91 of 2019 that are in conflict with provisions contained in this act are superseded by the provisions contained herein.

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SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. The provisions in this act take effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GOLDFINCH spoke on the amendment.

RECESS

At 4:37 P.M., on motion of Senator SHEHEEN, with unanimous consent and Senator GOLDFINCH retaining the floor, the Senate recessed from business.

At 5:28 P.M., the Senate resumed.

Senator GOLDFINCH spoke on the amendment.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining on the amendment.

Motion Adopted

Senator MASSEY asked unanimous consent to proceed to Amendment No. 7.

There was no objection.

Amendment No. 7

Senators GROOMS and MASSEY proposed the following amendment (3411R007.SP.ASM), which was adopted:

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Amend the bill, as and if amended, by striking SECTION 10 in its entirety and inserting:

/ SECTION 10. (A) The provisions of Act 95 of 2019 are extended through September 24, 2020. The Public Service Authority (“Santee Cooper”) may not take any action which would impair, hinder, or otherwise undermine from an economic, operational, feasibility, or any other perspective the ability of the General Assembly to complete its consideration regarding Santee Cooper’s status.

(B) Without the approval of the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways & Means Committee, Santee Cooper is prohibited from:

(1) entering into any contracts with a duration of longer than one year, including, but not limited to contracts for the purchase of energy or generation capacity;

(2) entering into employment contracts with executive management with a duration longer than six months; and

(3) beginning the construction, purchase, or lease of any new generation facility.

(C) Prior to approving any contracts of a duration longer than six months but less than one year, the Authority must inform in writing and consult with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways & Means Committee.

(D) Nothing in this section prohibits the Santee Cooper from:

(1) doing any and all things preparatory to closing and decommissioning the Winyah Generating Station;

(2) planning, permitting, and procuring one hundred megawatts of combustion turbines only with agreement with Central Electric Cooperative;

(3) doing any and all things preparatory to deploying new solar generation only with agreement from Central Electric Cooperative.;

(4) entering into joint operational and energy saving agreements with neighboring utilities for a period of less than one year with annual renewals and mutual cancellation clauses thereafter;

(5) entering into hedge agreements for natural gas and coal for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;

(6) entering into purchase power arrangements needed for, but not in excess of, anticipated load for a term not to exceed the rate freeze period of the Cook Settlement, and supportive thereof;

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(7) having the ability to borrow as currently anticipated for operational needs, or risk management as market conditions may allow;

(8) settling outstanding lawsuits;

(9) taking whatever steps are prudent and consistent with good utility practice to manage the COVID 19 pandemic;

(10) proceeding with appropriate resource discussions with Central;

(11) freezing rates as provided in the settlement of Cook v. Santee Cooper, et. al.; and

(12) taking other actions consistent with this section that are court ordered or required pursuant to Cook v. Santee Cooper et al, provided that these actions may not include construction or acquisition of new generation facilities or any other agreement or activity that is prohibited by subsection (B)

(E) Nothing in this section alters or amends the powers and duties pursuant to S.C. Code Section 58-31-360, including the State's covenant to not alter, limit or restrict the Santee Cooper's power to fix, establish, maintain and collect rents, tolls, rates and charges for the use of the facilities of or for the services rendered or for any commodities furnished by Santee Cooper, at least sufficient to provide for payment of all Santee Cooper's expenses, the conservation, maintenance and operation of its facilities and properties and the payment of the principal of and interest on its notes, bonds, evidences of indebtedness or other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such notes, bonds, evidences of indebtedness or obligations heretofore or hereafter issued or incurred.

(F) The provisions of this SECTION shall section shall remain in effect through September 24, 2020 or until an Act of the General Assembly expressly supersedes this provision. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

The amendment was adopted.

Recorded Vote

Senator SHEHEEN desired to be recorded as abstaining on the amendment.

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Amendment No. 6

Senators CASH and RICE proposed the following amendment (3411R005.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. (A) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases when the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention provided that the physician acts in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

(B) The State has enacted Section 43-5-1185 of the 1976 Code that prohibits state funds, directly or indirectly, from being utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions. Having prevented Planned Parenthood from performing abortions with state funds, once the federal injunction is lifted, the Department of Health and Human Services may not direct any federal funds to Planned Parenthood. An otherwise qualified organization may not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. An organization that provides abortion services where the life of the mother is at risk and the termination of the pregnancy is incidental to the lifesaving intervention is excepted from the above restriction on state family planning funds and may receive state family planning funds, provided that the physician shall act in accordance with the standard of

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care to preserve both the life of the mother and the life of the pre-born child. /

Renumber sections to conform.

Amend title to conform.

Senator CASH spoke on the amendment.

Motion Adopted

On motion of Senator CASH, with unanimous consent, Amendment No. 6 was withdrawn.

Senator MARTIN spoke on the Bill.

Senator SENN spoke on the Bill.

The question being third reading of the Bill as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 37; Nays 0; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Loftis	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--37

NAYS

Total--0

ABSTAIN

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Sheheen

Total--1

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Judiciary Committee, the following appointments were confirmed in open session:

Reappointment, South Carolina State Ethics Commission, with the term to commence April 1, 2020, and to expire April 1, 2025

At-Large - Gubernatorial:

Brandolyn T. Pinkston, 5 Woodlands Ridge Court, Columbia, SC 29229-3391

On motion of Senator RANKIN, the question was confirmation of Brandolyn T. Pinkston.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 3

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams		

Total--34

WEDNESDAY, APRIL 8, 2020

NAYS

Total--0

ABSTAIN

Hutto Malloy Young

Total--3

The appointment of Brandolyn T. Pinkston was confirmed.

Initial Appointment, South Carolina State Ethics Commission, with
the term to commence April 1, 2020, and to expire April 1, 2025

House - Minority:

Alonzo J. Holloway, 116 Wynfield Ct., Columbia, SC 29210

On motion of Senator RANKIN, the question was confirmation of
Alonzo J. Holloway.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 0; Abstain 3

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Loftis	Martin
Massey	McElveen	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams		

Total--34

NAYS

Total--0

WEDNESDAY, APRIL 8, 2020

ABSTAIN

Hutto

Malloy

Young

Total--3

The appointment of Alonzo J. Holloway was confirmed.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

John S. Kesler, 454 Moores Crossing, Roebuck, SC 29376-3528

VICE Rob Chumley

Initial Appointment, Barnwell County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Thomas L. Williams, 2686 Highway 278, Barnwell, SC 29812

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jean K.. McCormick, 7 Sunset Bluff, Beaufort, SC 29907-1453

VICE Mark Francis Fitzgibbons

Initial Appointment, Charleston County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Laura Dukes Beck, 1562 Inverness Dr., Charleston, SC 29412-2617
VICE Priscilla B. Baldwin

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

WEDNESDAY, APRIL 8, 2020

MOTION ADOPTED

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John C. “Jack” West, Jr. of Camden, S.C. Jack served in the United States Army. Jack was a practicing attorney and formed The State Capital Group where he specialized in governmental affairs. He was a member and former elder of Bethesda Presbyterian Church. Jack served on the advisory board for the First Community Bank in Camden, Board of Directors for Associated Charities, the Central Carolina Chapter of the American Red Cross, Kershaw County Airport Commission and was currently serving as chairman of the Board for the John C. West Forum at Winthrop University. Jack was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Garnet “Ken” Kenneth Dover of Piedmont, S.C. Ken was a specialist in the 81st infantry of the United States Army. Ken was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators PEELER and MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kathryn A. Ullom of Columbia, S.C. Mrs. Ullom is the mother of our beloved Lynn Ballentine. Kathryn was a retired administrative assistant with the Columbia Police Department. She enjoyed spending time with her grandchildren and cooking. Kathryn was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

WEDNESDAY, APRIL 8, 2020

MOTION ADOPTED

On motion of Senators PEELER and MASSEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kathryn A. Ullom of Columbia, S.C. Mrs. Ullom is the mother of our beloved Lynn Ballentine. Kathryn was a retired administrative assistant with the Columbia Police Department. She enjoyed spending time with her grandchildren and cooking. Kathryn was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator GOLDFINCH, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jimmy McCants, of Pawleys Island, S.C. Jimmy graduated from the University of Georgia and was an avid outdoorsman who enjoyed hunting and fishing. He was a member of Duncan Memorial Methodist Church in Georgetown. Jimmy was a former chair of the Town of Pawleys Island and was named the Pawleys Island Citizen of the Year in 2013. He was active in the Rotary Club of Georgetown, the Pawleys Island Chapel Board of Directors and chairman of the Pawleys Island Planning Commission. Jimmy was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 6:17 P.M., on motion of Senator MASSEY, the Senate adjourned to meet under the provisions of the *Sine Die* Resolution, S. 1194.

* * *

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